

CALIFORNIA DEPARTMENT OF INSURANCE
LEGAL DIVISION
Sacramento Compliance Bureau
Elaine A. LaFrance, Esq. SBN 161000
300 Capitol Mall, 17th Floor
Sacramento, California 95814
Telephone: 916 492-3568
Facsimile: 916 324-1883

Attorney for John Garamendi,
Insurance Commissioner

**BEFORE THE INSURANCE COMMISSIONER
OF THE STATE OF CALIFORNIA
SACRAMENTO**

In the Matter of the Licenses and Licensing
Rights of

DARIUS ROSHON RUTLEDGE,

Respondent.

File No. LBB 2587-AP

ORDER OF SUMMARY
REVOCATION OF
RESTRICTED LICENSE

WHEREAS, Respondent DARIUS ROSHON RUTLEDGE, is now, and since July 22, 1998, has been licensed by the Insurance Commissioner of the State of California to act as a Life Agent, and is now, and since September 15, 1999, has been licensed by the Insurance Commissioner to transact Variable Contracts, under Insurance License number 0C36382. Respondent's licenses and licensing rights are now, and have been since March 24, 1999, subject to restriction pursuant to California Insurance Code section 1742; and,

WHEREAS, at all relevant times herein, Respondent DARIUS ROSHON RUTLEDGE was actively conducting business as a Life Agent and/or transacting Variable Contracts; Respondent used the licenses issued to him by the Insurance Commissioner to commit criminal and larcenous acts that ultimately led to the felony conviction alleged below; and

WHEREAS, on July 8, 2004, in Case Number VA081838, in the Superior Court of the State of California for the County of Los Angeles, Respondent DARIUS ROSHON

4 RUTLEDGE entered a plea of *nolo* contendere and was found guilty of committing Theft From
5 an Elder or Dependent Adult, in violation of California Penal Code section 368(d), a felony. The
6 Respondent was found to have committed the offense on and between September 1, 2003, and
7 February 4, 2004.

8 Elements of the offense which form the basis of the Respondent's felony conviction
9 include: theft and embezzlement with respect to the property of an elder and dependent adult;
10 property exceeding four hundred dollars (\$400.00) in value; and actual or objectively reasonable
11 knowledge that the owner of the property was an elder dependent adult.

12 In Respondent's case, the amount of restitution ordered, at sentencing, was thirty thousand
13 dollars (\$30,000). The victim of the theft was eighty-one (81) years old when the crime was
14 committed. Respondent DARIUS ROSHON RUTLEDGE was arrested while acting as a Life
15 Agent and financial advisor to the victim: he had taken possession and control of a vehicle and
16 multiple checks belonging to the victim while acting in the capacity of a Life Agent; and

17 WHEREAS, California Insurance Code section 1669(a) provides, in pertinent
18 part, as follows:

19 "The Commissioner may, without hearing, deny an application if the
20 applicant has:

21 (a) Committed a felony as shown by a plea of guilty or *nolo*
22 contendere, or by a final judgment of conviction thereof;"

23 Further, California Insurance Code section 1738 provides, in pertinent part, as follows:

24 "The Commissioner may suspend or revoke any permanent
25 license.....on any of the grounds...on which he may deny an
26 application.... A suspension or revocation based upon
27 ...Section 1669 may be without notice or hearing."

28 Respondent DARIUS ROSHON RUTLEDGE, holder of permanent licenses to act as a Life
Agent and to transact Variable Contracts, has been found guilty of the crime alleged herein. The
Insurance Commissioner of the State of California has therefore concluded that it is against the

4 public interest for the Respondent to be licensed, that the Respondent is lacking in integrity, that
5 the Respondent has committed a felony involving larceny and fraud, that the Respondent has
6 conducted insurance business in an untrustworthy manner, and that the Respondent is subject to
7 discipline, including revocation of his license and licensing rights; and

8 WHEREAS, in Case Number SAC 9277-AP, in an Accusation dated
9 February 10, 1999, the Insurance Commissioner of the State of California, acting in his official
10 capacity, alleged that the Insurance License issued July 22, 1998, to Respondent DARIUS
11 ROSHON RUTLEDGE, should be suspended or revoked; and

12 WHEREAS, in the Accusation referenced above, the Commissioner alleged
13 grounds for the suspension or revocation of DARIUS ROSHON RUTLEDGE's license and
14 licensing rights, including a misdemeanor conviction for violating California Penal Code section
15 484f(2), fraudulent use of the access card of another; and

16 WHEREAS, Respondent admitted to the Commissioner that the above-referenced
17 allegations were true and correct, and agreed that the allegations constituted grounds for
18 suspension or revocation of his license and licensing rights, in a Special Notice of Defense,
19 signed by the Respondent on March 15, 1999. Respondent further agreed to the revocation of his
20 unrestricted license and licensing rights, and to the issuance of a Restricted License; and

21 WHEREAS, in said Special Notice of Defense, Respondent agreed, as a condition
22 of the issuance of said Restricted License, in Item 4(a) of the Special Notice of Defense, to the
23 following condition:

24 "Respondent shall obey all of the laws of the State of California
25 and of the United States of America, and all regulations promulgated
thereunder."

26 WHEREAS, said Restricted License is still held by Respondent, is still active, and
27 is still subject to the conditions agreed to in the Special Notice of Defense referenced above; and

28 //

4 WHEREAS, Respondent DARIUS ROSHON RUTLEDGE has been convicted of
5 felony Theft from an Elder or Dependent Adult, as alleged hereinabove, which violates the terms
6 and conditions under which Respondent holds the Restricted License referenced herein; and

7 WHEREAS, Respondent agreed in the Special Notice of Defense referenced
8 above that the issuance of the Restricted License was granted pursuant to Insurance Code section
9 1742, which states, in pertinent part, as follows:

10 “The holder of the restricted license has no property right therein
11 and the commissioner may, with or without either hearing or cause...
12 revoke a restricted license;” and

13 WHEREAS, as separate and independent grounds for discipline, pursuant to
14 Insurance Code sections 1669(a) and 1738, the Commissioner may revoke any permanent license
15 when the licensee has committed a felony: DARIUS ROSHON RUTLEDGE has committed
16 felony Theft from an Elder or Dependent Adult, as shown by his plea and final conviction, and
17 the Commissioner may elect to revoke the Respondent’s license solely on that basis.

18 THE INSURANCE COMMISSIONER FINDS that DARIUS ROSHON
19 RUTLEDGE has violated the conditions of his Restricted License and has committed a felony.

20 IT IS HEREBY ORDERED, pursuant to Insurance Code sections 1738 and 1742,
21 that the Restricted License of Respondent DARIUS ROSHON RUTLEDGE be REVOKED.

22 This Order is effective immediately.

23 IN WITNESS WHEREOF, I have hereunto set my hand and affixed by official
24 seal, this 10th day of June, 2005 .

25 JOHN GARAMENDI
26 Insurance Commissioner

27 By: /S/
28 ROBERT HAGEDORN
Assistant Chief Counsel